



~~January 7, 2004 BZA~~
April 7, 2004 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0179
(AMENDED)

Deanna R. Friedel

Matoaca Magisterial District
9406 Summercreek Drive

REQUEST: A 105 foot Variance to the 150 foot front yard setback requirement for a dwelling.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. The strict application of the Zoning Ordinance would result in an unreasonable restriction on the use of the property.

CONDITION

This Variance shall be for the proposed dwelling only as depicted in the staff report.

GENERAL INFORMATION

Location:

Property is known as 9406 Summercreek Drive. Tax ID 723-662-6127 (Sheet 23).

Existing Zoning:

A

Size:

1 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential
South - A; Residential
East - R-12; Residential
West - A; Residential

Utilities:

Public water and private septic system

Transportation:

This request should have no impact on the traffic pattern in the area.

General Plan:

(Upper Swift Creek Plan)

Residential
(2.0 units per acre or less)

DISCUSSION

The applicant is proposing to construct a dwelling forty-five (45) feet from the front property line, whereas the Zoning Ordinance requires a 150 foot setback. Therefore, the applicant is requesting a 105 foot Variance (see attached plat).

The applicant provides the following justification in support of this request:

I would like to construct a single family residence. Without the Variance we would be limited to the buildable area of 7.44 feet. The distance of the structure from the road is due to limiting factors such as the septic field placement and a low lying area to the left of the proposed structure.

Staff visited the subject property which is unimproved. Staff notes the properties across the street from the subject property are in the Summerford Subdivision and are required to meet the R-12 Zoning which requires a thirty-five (35) foot front yard setback.

This request complies with the Comprehensive Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less.

Staff has reviewed the attached site plan and application. The parcel is 207.44 feet deep. A seven (7) foot building envelop remains when the front yard setback of 150 feet and the rear yard setback of fifty (50) feet are met. Staff believes it would effectively prohibit or unreasonably restrict the use of the property to require these setbacks. Further the parcels across the street meet the R-12 Zoning of thirty-five (35) feet.

Staff believes this Variance will not reduce or impair the value of the dwellings or property in the immediate or surrounding area; therefore, staff recommends that this request be approved.

CASE HISTORY

01/07/04:

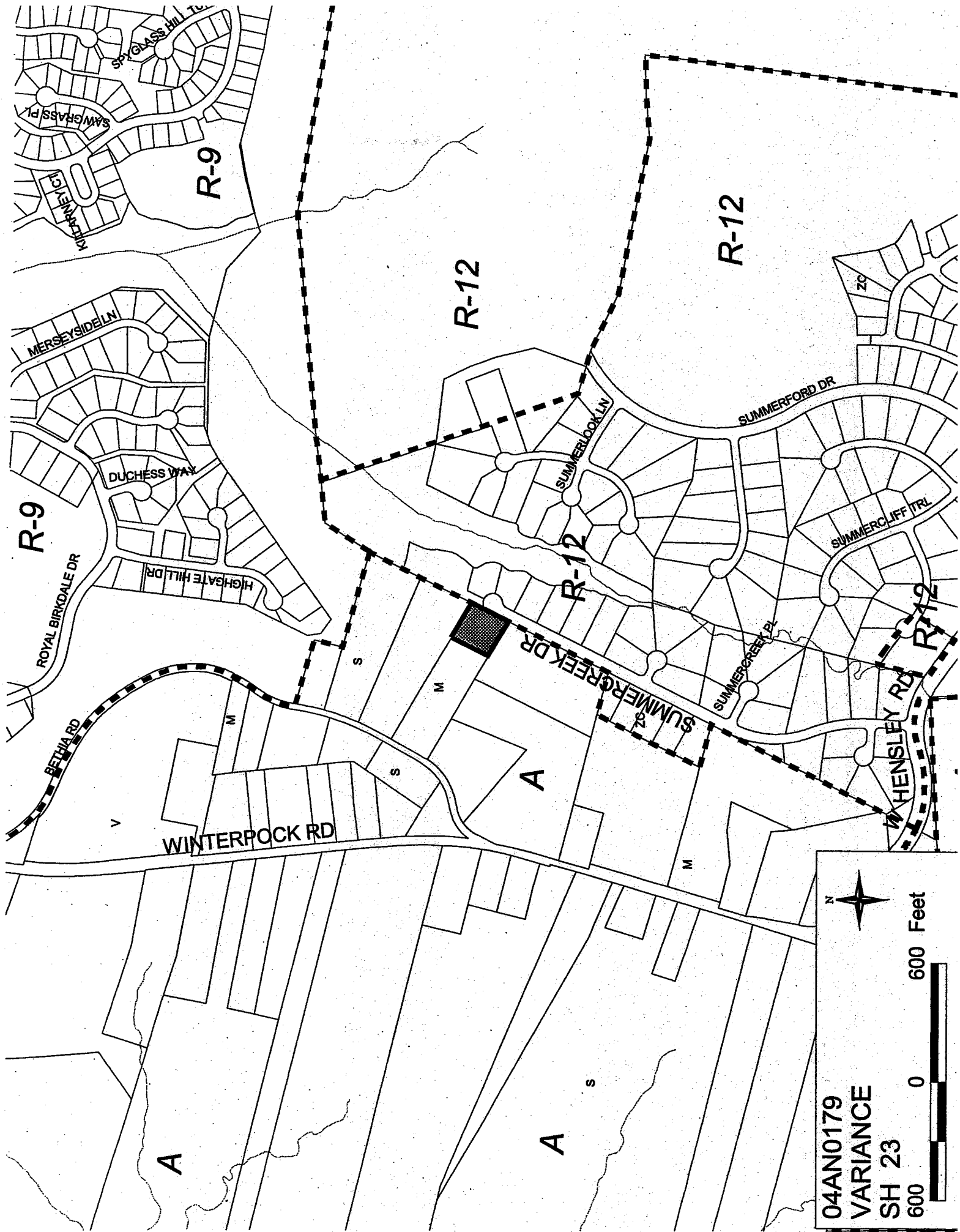
The Board deferred this case to their April 7, 2004, meeting to allow the applicant and adjacent property owners additional time to resolve concerns relative to the possibility of changing the location and the exterior of the dwelling to more closely meet the adjacent neighborhood standards.

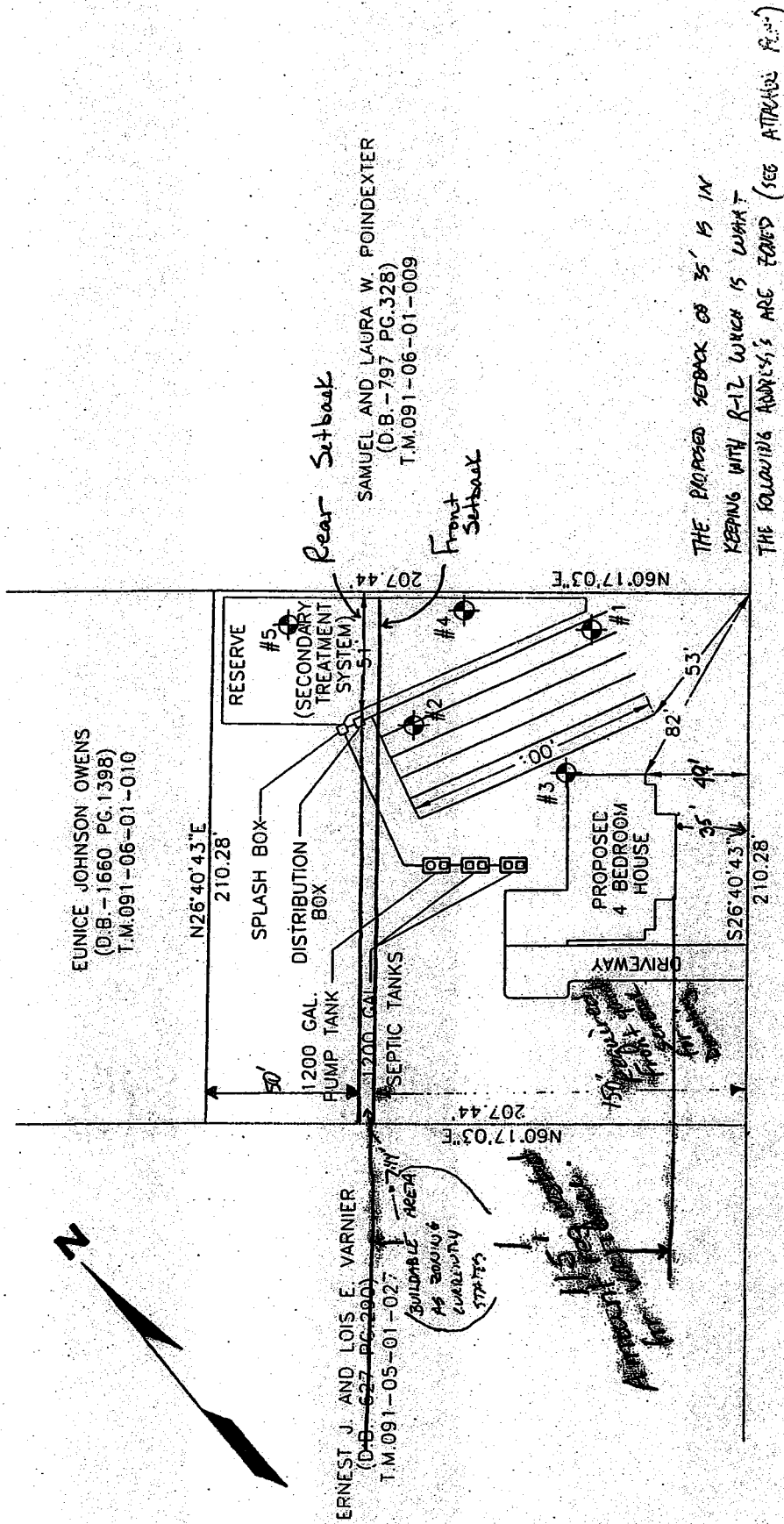
02/05/04:

Staff and adjacent property owners met with the applicant's representative to discuss options concerning the location and alternatives relative to this request.

03/03/04:

The applicant amended the original application in order to move the dwelling further from the front property line. Specifically, the previous Variance request was for a 115 foot Variance to the 150 foot front yard setback requirement and it was amended to a 105 foot Variance.





THE PROPOSED SETBACK OF 35' IS IN
KEEPING WITH R-17 WHICH IS WHAT?

THE FOLLOWING ADJACENTS ARE ZONED (SEE ATTACHED P.L.M.)

9401 SUMMERCREEK DR.

9403	"	"
9405	"	"
9407	"	"

SUMMERCREEK DRIVE

